

Department of Community Planning and Economic Development
Variances
BZZ 6385

Date: January 23, 2014

Applicant: John Glatzmaier and Ellen Longmire

Address of Property: 1520 27th Street West

Contact Person and Phone: John Glatzmaier and Ellen Longmire, (612) 977-9102

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: December 9, 2013

End of 60-Day Decision Period: February 7, 2014

Ward: 7 Neighborhood Organization: East Isles Residents Association

Existing Zoning: R1 Single-Family District

Existing Overlay District: SH Shoreland Overlay District

Zoning Plate Number: 24

Proposed Use: New detached garage

Concurrent Review:

- Variance to reduce the east interior side and rear yard setbacks from 6 feet to approximately 1.4 feet to allow for a new detached garage.
- Variance to reduce the rear yard from 6 feet to approximately 1.4 feet to allow for a new detached garage.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

Background: The subject property is approximately 50 feet by 100 feet (5,000 square feet in area) and consists of an existing single-family dwelling and a 12.2 foot by 18.2 foot detached garage. The existing detached garage is located 1.4 feet from the east interior side property line and 2.7 feet to the rear property line. The applicant is proposing to demolish the existing detached garage in order to construct a new 444 square foot detached garage 1.4 feet from the east interior side and rear property lines.

The zoning code allows for a reduction of the rear yard requirements to one (1) ft. when the entire accessory building is located in the rear forty (40) feet provided that the accessory building is located

Department of Community Planning and Economic Development Report
BZZ 6385

entirely to the rear wall of the principal structure on the adjacent lot. The proposed garage is located less than 40 feet from the adjacent residential structure located at 1516 27th Street West. In addition, the proposed garage will not be located behind the adjacent structure located at 2695 Irving Avenue South. Therefore, the applicant is requesting two variances to reduce the required east interior side and rear yard setbacks from 6 feet to 1.4 feet.

As of writing this staff report, staff has not received any correspondence from the East Isles Residents Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCES to reduce the required east interior side and rear yard setbacks from 6 feet to 1.4 feet.

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Both variances: The circumstances upon which the setback variance is requested are unique to the parcel of land due to the substandard lot size and lack of alley access. These circumstances have created practical difficulties in complying with the ordinance. The existing detached garage is located in approximately the same location. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Both variances: The applicant is seeking variances to reduce the east interior and rear yard setbacks to allow for the construction of a new detached garage in the rear forty feet of the subject property. The existing detached garage on the property that is located in approximately the same location as the existing detached garage. The parcel is substandard in size and lacks alley access, limiting the location of the proposed detached garage. Staff finds that the proposed location of the detached garage, in the rear 40 feet of the subject property and in approximately the same location as existing garage and distance to the structures on the adjoining lots, will allow for reasonable use of the property. Therefore, staff finds that the applicant is proposing to use the property in a reasonable manner.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Both variances: Staff finds that the granting of the variance will keep with the spirit and intent of the ordinance and the proposed detached garage will not substantially alter the essential

Department of Community Planning and Economic Development Report
BZZ 6385

character of the surrounding neighborhood or will not be injurious to the use or enjoyment of other property in the vicinity. There is an existing detached garage located in approximately the same location as the proposed. The zoning code allows for a reduction of the rear yard requirements to one (1) foot when the entire accessory building is located in the rear forty (40) feet provided that the principal structure on the adjoining lot has its rear wall at least forty (40) feet from the rear lot line and located behind the adjacent structure(s). The proposed detached garage is located in the rear 40 feet of the subject property's lot and will be located approximately 11 feet to the rear wall of the residential structure on the adjoining lot to the east and 14 feet to the wall of the residential structure to the north. Further, granting of the variance will not increase the danger of fire safety or be detrimental to the public welfare or endanger the public safety. The proposed detached garage will require a building permit and will be required to meet all of the applicable building codes.

Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
Staff finds the proposed project will prevent soil erosion and other possible pollution during and after construction. Building permits will be reviewed and issued before any work may begin on the subject property. The subject property and proposed building site does not have grade elevations that exceed 2 feet and the site is not near a steep slope. Any potential pollution hazards are reduced by the 500 feet of distance between the subject site and Lake of the Isles.
- 2. Limiting the visibility of structures and other development from protected waters.**
Staff finds the proposed development will not be visible from Lake of the Isles. The proposed garage is proposed to be 12 feet in height and approximately 500 feet from Lake of the Isles.
- 3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**
The subject site does not have direct access to Lake of the Isles and will not require the accommodation of any additional watercraft of any type on Lake of the Isles.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the east interior side yard setback from 6 feet to approximately 1.4 feet to allow for a construction of a new detached garage accessory to an existing single-family dwelling located at 1520 27th Street West in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.

Department of Community Planning and Economic Development Report
BZZ 6385

2. All site improvements shall be completed by January 23, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and approve the variance to reduce the rear yard setback from 6 feet to approximately 1.4 feet to allow for a construction of a new detached garage accessory to an existing single-family dwelling located at 1520 27th Street West in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 23, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. E-mails to Council Member Goodman and East Isles Residents Association
3. Zoning map
4. Survey
5. Site plan
6. Building elevations
7. Floor plans
8. Photos